

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

United States )  
                  )  
                  ) C/A No. 8:04-cr-1123  
                  )  
v.                )  
                  )         **ORDER**  
                  ) (Written Opinion)  
Willie Earl Clark, )  
                  )  
                  )  
Defendant.      )  
                  )

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The Court will follow the attached instructions in connection with the payment of expenses associated with the above death penalty case. Any objections or concerns regarding the attached instructions should be directed to the undersigned. However, any questions counsel may have regarding he vouchers should be directed to the designated CJA specialist with the Clerk of Court's office. Counsel may also refer to the procedures and rules outlined in the *Guidelines for the Administration of Justice Act.*

CJA PAYMENT INSTRUCTIONS FOR C/A NO.: 8:04-CR-1123

1.     *Forms:*

The following forms or "vouchers" must be used to request payment for services or expenses in death penalty proceedings:

CJA-30	Court Appointed Counsel
CJA-31	Expert and Other Services
CJA-24	Transcripts and Transcript Copies

2. *Deadline for Submission of Vouchers:*

After the initial voucher for payment for work completed through September 30, 2007, Counsel shall submit to the Clerk of Court, monthly, the vouchers necessary for the expenses incurred in that period. Compensation earned and reimbursable expenses incurred for the entire preceding month shall be claimed on an interim voucher and submitted no later than the 20th day of each following month—October expenses must be submitted to the Clerk by November 20th. The initial voucher should be submitted by October 20th. A vouchers must be submitted monthly, regardless of its amount.

3. *Payment on CJA-30:*

Actual time spent shall be recorded in hours and tenths of hours. All payments made are subject to post-audit. Contemporaneous time and attendance records and expense records must be maintained by Counsel for three years after approval of the final voucher. Any overpayments are subject to collection, including deduction of amounts due from future vouchers.

Counsel may be reimbursed for out-of-pocket expenses reasonably incurred incident to the representation. While the statute and applicable rules and regulations do not place a monetary limit on the amount of expenses that can be incurred for a death penalty case, counsel should incur no single expense item in excess of \$1500.00 without prior approval of the Court. Such approval may be sought by filing an *ex parte* application with the Clerk stating the nature of the expense, the estimated dollar cost, and the reason the expense is necessary to the representation. An

application seeking such approval may be filed in camera, if necessary. Upon finding that the expense is reasonable ,t he court will authorize counsel to incur it. Recurring expenses, such as telephone calls, photocopying, and photographs, which aggregate more than \$1,500.00 on one or more interim vouchers are not considered single expenses requiring court approval.

*Reproduction Costs:* Vouchers must include per page and per item costs. Receipts for external copy and reproduction costs must be provided.

*Travel:* With respect to travel outside of the City of Anderson for the purpose of consulting with the client, interviewing witnesses, etc., the \$1,500.00 rule should be applied in the following manner. Travel expenses, such as air fare, mileage, parking fees, meals, and lodging, can be claimed as itemized expenses on a CJA-30 form. Therefore, if the reimbursement for expenses relating to a single trip will aggregate an amount in excess of \$1,500.00, the travel should receive prior approval of the Court. Counsel may utilize the services of Omega World Travel (866-450-0401) for air travel arrangements at government rates, but may not charge expenses to the CJA credit line.

Actual expenses incurred for meals and lodging while traveling outside of Anderson in the course of this representation must conform to the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations. Please contact the Clerk's office for specific details regarding per diem, mileage, and subsistence.

Telephone calls and reproduction costs can all be reimbursable expenses if reasonably incurred. However, general office overhead such as rent, secretarial help, and telephone or cell phone service is not reimbursable expense, nor are items of a personal nature. In addition, expenses for service of subpoenas on fact witnesses are not reimbursable, but rather are governed by Rule 17 of the Federal Rules of Criminal Procedure and 28 U.S.C. § 1825.

IT IS SO ORDERED



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G. ROSS ANDERSON, JR.  
UNITED STATES DISTRICT JUDGE

September 14, 2007  
Anderson, SC